

1 then we'll break for lunch.

2 (Recess taken)

3 MR. VOGEL: This is Ray Vogel with the
4 EPA. We are -- Title V Task Force is here in the room
5 and we have been waiting for Scott to show up. Also
6 thank you for showing up, Sharon. I think we would
7 like to go ahead and take Scott's testimony and then --
8 Sharon, could we ask that you call back in? Maybe we
9 have two options here. One is to go ahead and take
10 your testimony but that will put us short on lunch.
11 The other option is to -- I think we have one objection
12 on that -- I'm just talking about options here. The
13 other option is to go ask Sharon if you could come back
14 after this evening, say at 5:40.

15 MS. GENASCI: 5:40?

16 MR. VOGEL: Yes, central time.

17 MS. GENASCI: Yeah, I probably can do
18 that. So at the very end? And that's the only other
19 option, otherwise you miss your lunch? Is that it?

20 MR. VOGEL: Let me get a sense of the
21 Task Force here. Would you rather stay and get Sharon
22 now during lunch.

23 UNIDENTIFIED SPEAKER: Ray, if -- it's
24 five minutes early now. If we start now, let's just
25 see if we can --

1 MS. OWEN: That would have been my
2 suggestion too. Let's see if we can fit her in. I
3 would rather hear her and be a little short on lunch
4 than not hear her at all.

5 MS. GENASCI: So you want me to go now?
6 I don't mind going earlier because I'm on here early.

7 MR. VOGEL: Yes, let's have you go now
8 and then we'll go on with Scott later on. Scott, can
9 you hang on, please?

10 MR. GOLLWITZER: Sure.

11 MR. VOGEL: Sharon, please go ahead. We
12 are recording for audio and written transcripts. And
13 you'll have ten minutes for your presentation, followed
14 by questions and answers.

15 MS. GENASCI: Okay. Well, I'm Sharon
16 Genasci. I represent -- I'm the chairman of Northwest
17 District Health and Environment Committee in Portland,
18 Oregon. We're a residential neighborhood estate
19 located right next a very large industrial area.

20 We have a Title V foundry on the edge of
21 the neighborhood built in 1913. We began monitoring
22 our neighborhood there in 1997 to try to discover the
23 source and what was the composition of these horrible
24 industrial smells we were getting.

25 We used bucket monitors initially and we

1 worked with a Dr. Robert Anderson, he's a scientist,
2 and we found initially 70 toxic compounds. Then we
3 continued to monitor up until -- well, actually, we're
4 not monitoring at the moment, but we've been monitoring
5 every year since for various things. For a couple of
6 years we looked particularly at the heavy black dust
7 that we found on people's porches and looked at the
8 composition of that, and we found a whole suite of very
9 heavy -- toxic heavy metals, high concentrations of
10 lead, including chrome VI and various other things that
11 we didn't want to have in the neighborhood. And we
12 noticed that these metals fell off as we moved away
13 from the foundry.

14 So we thought it pretty clearly pointed
15 to a red hot spot. We began using odor survey forms so
16 we could find out where in the neighborhood these odors
17 were coming from, what were -- how much of a problem
18 was it for the neighbors and we were still looking for
19 sources in the beginning. And then we graduated now to
20 a web site, and it's www.Portlandair.Com. And this
21 works quite well. People call in. I mean, they go in
22 on their computers and they -- the copies go to the
23 DEQ, to me, and to the company.

24 Overall we value Title V. We've been
25 through two hearings, two Title V hearings with the

1 foundry. The most important thing for us has been the
2 public hearing requirement. This has given us a chance
3 to really get public awareness in the whole
4 neighborhood. And also we feel that there's a very
5 strong right to know need for the neighborhood.

6 The people who suffer from this kind of
7 pollution need to know what it is they're breathing and
8 they can go to the hearings. And we have had excellent
9 expert testimony there as well as the neighbors.

10 What we feel is lacking in the current
11 Title V regulations is we have to ask the question has
12 there been an actual reduction in air pollution in our
13 neighborhood. And we would like to say a qualified
14 some, yes, but much more is needed as new plants are
15 continually be permitted to come into the area and the
16 foundry fugitive emissions continue as before as seen
17 in a number of complaints that we continue to receive.

18 We feel the neighbors who are most
19 affected by pollution should be involved in a Title V
20 permitting process much earlier. We were not allowed
21 to permit -- to participate in the drafting of the
22 permit in either of the last permit processes we went
23 through, while the company was invited in and, in fact,
24 had a big hand in drafting the permit. And we think
25 this is an example of how the process favors industry.

1 Besides working closely with industry and
2 drafting the permit, the permit language regarding the
3 cost of reducing pollution takes industries' cost into
4 effect without considering the public health cost of
5 living near pollution. We have heard many children
6 being born and growing up with heavy dust on their
7 porches that contain lead and other toxic metals.

8 Title V does not provide for enforcement
9 tools such as DEQ monitoring on the plant. Without
10 sufficient information about what is actually emitted,
11 any regulations on a Title V become rather moot.

12 What were some of the resulting permit
13 changes following public testimony at the Title V
14 hearing? Well, the foundry was forced to put on extra
15 air bags, a pressure gauge on the bag house to signal
16 when a bag was not functioning properly, and they
17 raised their stack to try to reduce the impact odor on
18 the surrounding residents. The amount of allowable
19 rate emissions was reduced from half a ton to 200
20 pounds a year. We had asked the DEQ not to permit lead
21 emissions in our lead hot spot area. But the point is
22 moot because the DEQ does not monitor for lead
23 emissions from the plant on a regular basis.

24 Concerning the odor, after raising the
25 stack and shifting some production to a second plant

1 located further into the industrial area, the strong
2 odor shifted to other parts of the neighborhood from
3 whom we had not previously received complaints. And
4 complaints are continuing at the present moment from
5 residents who live close to the plant.

6 That's the end of my testimony there. So
7 if you have any questions, I would be happy to answer
8 them. I'll just stick to the problem because the plant
9 was built in 1913. It's nonunion plant and it's just
10 been grandfathered in here, and they play a very active
11 role in the community, giving donations to various good
12 causes, and so on. So they -- they are playing a
13 pretty strong political role in the state, I mean a
14 powerful role as a good neighbor in the state from an
15 economic point of view. It's just the local neighbors
16 that are having a problem.

17 MR. VOGEL: Okay. We have questions from
18 Bob Palzer.

19 MS. GENASCI: Oh, Bob Palzer.

20 MR. PALZER: Hi, Sharon. One of the
21 problems you used to have with that facility -- I'm
22 curious if it still continues -- is the threat of
23 closing down and eliminating decent paying jobs.

24 MS. GENASCI: They're always saying that
25 and they actually already have a plant in China and,

1 you know, they're going to go. I mean, it's just a
2 question of when. It has nothing to do with us. But,
3 of course, that is a threat that they imply that, you
4 know, you make a fuss, then we're going to pull out.

5 I don't think that neighbors of this kind
6 of industrial facility -- I just think we have to
7 insist that facilities that are built near residential
8 areas are clean. You know, the public health issues
9 are too strong. I mean, it's just an amazing
10 imposition on the neighbors. People can't work out in
11 the gardens in the summer. When it's very hot, we have
12 to keep our windows closed. It's just unacceptable.

13 MR. VOGEL: Mike Wood.

14 MR. WOOD: Hi, Sharon. I have a question
15 about how you would participate in drafting the permit.
16 What do you envision doing? Would you review the
17 application and suggest language or are you talking
18 about just reviewing early drafts the agency has
19 prepared?

20 MS. GENASCI: Well, I think that --
21 that's a really good question. The neighbors' point of
22 view is just not there in the permit, and I think
23 that -- one of the things that we suggested some years
24 ago was that an independent audit person be allowed
25 into the plant -- because it is very old -- to go

1 through and see how things could be tightened up.
2 Neighbors have always been wanting to work with this
3 facility. And, you know, they're not antagonists, but
4 they don't want to close it down at all. But I think
5 that the language -- we would have worked with the
6 language.

7 We did actually go through that process
8 in a workshop with the DEQ here to help write a rule, a
9 nuisance rule, and we were thinking about the company
10 in that. So we've been through that with the DEQ
11 before. I think we could have contributed a lot. And
12 several years ago we probably would have had that gauge
13 put on the bag house and certain things done that are
14 now done all these years later.

15 But, you know, it's hard to say
16 specifically what we would do until we were in that
17 situation. It's just if we're not even at the table,
18 then obviously we can't contribute anything.

19 MR. WOOD: Does the agency publish a
20 notice that they've received an application?

21 MS. GENASCI: We're notified when there's
22 going to be a hearing. And in this case the hearing
23 was delayed for well over a year just by -- you know, I
24 think they were very nervous about getting together
25 with the neighbors.

1 We have got very powerful neighborhood
2 group, very knowledgeable neighborhood group. People
3 have really learned a lot over these last years by
4 monitoring our own air and working with scientists and
5 engineers and various people who work with us. Did I
6 answer your question?

7 MR. WOOD: Yes. Thank you.

8 MR. VOGEL: Question from Steve Hagle.

9 MS. GENASCI: Yes.

10 MR. HAGLE: Hi, Sharon. My name is Steve
11 Hagle. I'm with the Texas Commission on Environmental
12 Quality. You mentioned something about that costs were
13 considered for the industry but not costs of the
14 citizens.

15 MS. GENASCI: Right.

16 MR. HAGLE: What costs were those? Was
17 that part of the Title V process or was that part of
18 the new source review process?

19 MS. GENASCI: The language of the permit,
20 several places said that, for example, certain things,
21 you know, that are taken into consideration in deciding
22 whether or not a particular control technology is going
23 to be used and it depends in part on cost to the
24 company. I'm trying to think of the exact language,
25 something like, you know, depending on how expensive it

1 is basically, use my own words. But in considering
2 those costs they're not thinking at all about public
3 health costs.

4 We have a high incidence of cancer here
5 in the neighborhood. We don't know how high because
6 nobody has really studied this neighborhood for that.
7 We also are -- you know, we realize how difficult it is
8 in this kind of situation to prove that any particular
9 illness is a result of any particular pollution because
10 in a case like ours we have so many sources here. This
11 is our main source because it's just right on the edge
12 of the neighborhood and it's the main one that the
13 neighbors are complaining about. But we do have a lot
14 of sources. We do have a lot of brain tumors here.

15 In my particular case, I live on a block
16 where people died from brain tumors on either side of
17 me in the last three years. And we've counted like up
18 to seven brain tumors in this neighborhood just
19 informally. But it's very difficult for us to put a
20 figure on public health. But when I say that, I think
21 that the health of the public and the cost to this
22 community of these illnesses needs to be considered,
23 particularly when we've been thinking about the
24 children who are born here and grow up in this
25 neighborhood with lead on their porches.

1 MR. HAGLE: I was just trying to
2 understand whether the cost that -- the cost
3 information that you mentioned was a part of the Title
4 V permitting process or was that some other
5 underlying --

6 MS. GENASCI: No, it's part of that
7 language in the permit, yeah, right, so it would be
8 part of the Title V permit.

9 MR. VOGEL: Kelly Haragan.

10 MS. HARAGAN: Hi, this is Kelly Haragan
11 with the Environmental Integrity Project. I just had a
12 question about the changes that you got to the permit,
13 the extra high pressure gauges. Were those -- did the
14 state make those changes in response to your comments?

15 MS. GENASCI: Yes, they did.

16 MS. HARAGAN: So you didn't have to
17 petition EPA, the state went ahead and changed the
18 permit?

19 MS. GENASCI: Yes, they did. They put
20 the special conditions that were placed on the permit
21 after the hearing.

22 We had, for example, a neurologist
23 testify about the manganese causing Parkinson's like
24 symptoms and, you know, an oncologist talked about the
25 various compounds that we have that cause cancer.

1 MS. HARAGAN: Thanks a lot.

2 MS. GENASCI: They did respond to that.

3 MR. VOGEL: Thank you, Sharon. Thank you
4 for being with us today.

5 MS. GENASCI: Thank you very much.

6 MR. VOGEL: Now we'll go with Scott
7 Gollwitzer.

8 MS. GENASCI: Can I stay on and listen to
9 it?

10 MR. VOGEL: You certainly can.

11 MR. GOLLWITZER: Thank you. My name is
12 Scott Gollwitzer. Is there a court reporter?

13 MR. VOGEL: Yes, there is, and your voice
14 is being recorded for audio transcript as well.

15 MR. GOLLWITZER: For the court reporter's
16 benefit I'll spell my last name. G-o-l-l-w-i-t-z-e-r.
17 I'm the staff attorney and clean air campaign
18 coordinator with Appalachian Voices. We're a regional
19 nonprofit organization based in Boone, North Carolina
20 committed to protecting and restoring the ecological
21 integrity, economic vitality and cultural heritage of
22 the southern and central Appalachian Mountains.

23 We accomplish these goals through four
24 primary campaigns. The first is defending public
25 lands; second, promoting sustainable forestry; third,